(17)

IN THE HIGH COURT OF JUDICATURE :: BILASPUR

DIVISION BENCH : HON'BLE SHRI S.R. NAYAK, CJ.
& HON'BLE SHRI SATISH K. AGNIHOTRI

Misc. Appeal No. 340 OF 2005

APPELLANT : Agnuram
Aged about 34 years,
S/o Prabhuram Satnami
R/o Village Bhandarpur
(Krela), Thana Dongargarh,
Distt. Rajnandgaon (C.G.)

Versus

RESPONDENTS

1. Rajendar Kumar Dewangan
Aged about 35 years,
S/o Kejuram Dewangan,
R/o Village Pandadah,
Tahsil and Thana Khairagarh,
Distt. Rajnandgaon

2. The Branch Manager,
The Oriental Insurance
Company Ltd. , Kamthee Line,
Distt. Rajnandgaon

Present : Mr. Parag Kotecha, learned counsel for the appellant.
Mr. Ali Asgar, learned counsel for the respondents.

ORAL ORDER

(Passed on 5th December 2005)

In a personal injury case, the injured not being satisfied with the compensation awarded by the M.A.C.T. has preferred this appeal seeking more compensation. The substantive ground urged by the learned counsel for the appellant before us is that due to the injury sustained by him in the accident, he could not work on fields for several months and he was laid off and on that account he had to engage services of two coolies

paying Rs. 40/- a day to each of them whereas the Tribunal has awarded only Rs. 5,000/- towards loss of income during the laid off period. The evidence of the appellant that he could not attend the work in the field for a period of seven months due to injury sustained by him is also supported by the Doctor examined in the case. The claim of the appellant that he had engaged services of two coolies at the rate of Rs. 40/- as daily wages is also not seriously disputed.

(2) In that view of the matter, the total loss of income during the laid off period would be Rs. 16,800/- (40x2x30x7). We round it off to Rs. 17,000/-. The Tribunal has awarded Rs. 5,000/- towards loss of income during the laid off period. The balance would be Rs, 12,000/-.

(3) In the result, we award a sum of Rs, 17,000/- towards loss of income to the laid off period. The impugned order shall stand modified accordingly. The impugned award in all other respects shall remain unaltered. The parties shall bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge